

# HOUSATONIC RIVER COMMISSION

*"to coordinate on a regional basis the local management and protection of the Housatonic River Valley in northwestern Connecticut"*

(203) 868-7341

SACKETT HILL ROAD • WARREN, CONNECTICUT 06754

TO: Mr. David Wye  
Office of Technology Assessment  
United States Congress  
Washington, DC 20510

May 15, 1995

DOCKET FILE COPY ORIGINAL

RE: Rough Draft of Wireless Technologies and the National Information Super-Highway Infrastructure

Dear Mr. Wye,

It has come to my attention that certain members of Congress have ordered the OTA to conduct a study on the feasibility of preemption of local and state zoning and other land use regulations which impede the location and construction of new cellular telecommunications towers. Members of the industry were invited to comment on the rough draft but the public was not. Since the members of Congress were elected to represent the interests of the citizens of this country, I feel it is important to let them know the opinion of the Housatonic River Commission of which I am a member. I wrote a letter to the Secretary of the FCC to comment on RM - #8577 in February and since my commission feels that this letter explains our position clearly, I am including a copy of it as our comment on preemption. Please pass these comments on to the appropriate members of Congress.

Sincerely,  
Housatonic River Commission



Peter Coe, Commission Member

Copies: Secretary, Federal Communications Commission RM - #8577

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SACKETT HILL ROAD • WARREN, CONNECTICUT 06754

TO: Secretary, Federal Communications Commission  
Room 222  
1919 M Street, NW  
Washington, DC 20554

RE: RM - #8577 and Amendment to ET Docket 93-62

Dear Secretary of the FCC,

This letter is to express our opposition to the above-referenced petition by the CTIA (Cellular Telecommunications Industry Association) to the FCC to "preempt state and local governments from enforcing zoning and other regulations which have the purpose or effect of barring or impeding commercial mobile radio service providers from locating and constructing new towers" (CTIA petition filed December 22, 1994, RM 8577, pp. 1-2). Furthermore we wish to express our concern on the preemption "of state and local regulation of electromagnetic energy matters" (Amendment to ET Docket 93-62) by the EEA (Electromagnetic Energy Association)

The Housatonic River Commission was created in 1977 by the seven towns in Northwest Connecticut through which the Housatonic River flows. The duties of the Housatonic River Commission, an exclusively advisory body, include the following:

- To monitor recreational use of the river by individuals and businesses and to develop and maintain a regional management plan for recreational use of the river.
- To monitor development in the river corridor and to review and comment on proposals for new residential and commercial development.
- To consult with the State and Federal agencies as appropriate.

The Housatonic River valley in Northwest Connecticut is within one or two hours driving time from the metropolitan areas of New York and southern and central Connecticut and about three hours driving time from the Boston area. Consequently, the Housatonic River is a significant regional, state and local resource. It provides a diversity of recreational opportunities. The Appalachian Trail travels through parts of the river corridor. The rural character of the communities in the river corridor are a significant asset which attracts tourists and second home owners to this area. The economic vitality of our towns is dependent on the scenic beauty of our area.

Our interest in the siting of telecommunications towers in our area is to minimize the detrimental impact on the scenic quality of the Housatonic River corridor. There are telecommunications towers in this area. In the past three years we have been involved with the application process for cellular phone towers and other telecommunications towers as governed by the laws of the State of Connecticut which provides a forum for the comment and intervention by local governments and organizations. It is only with this input that the needs of the region can be served. We reject CTIA's description of local regulations as "unnecessary, disparate ... and no doubt contrary to the public interest."

At this time, approximately 25 miles of the River corridor does not have cellular phone service. Because of the winding character of the river valley and the height of the flanking hills, providing seamless cellular phone coverage will be difficult. We have discussed our concerns with the two companies licensed to provide cellular phone service for our area. One company has chosen to take a confrontational approach and has

made no progress in expanding cellular phone service to the area in the past two years. The other company is sensitive to local concerns and is proof that a cellular phone network can be developed with the cooperation of local groups.

Should this petition become law, it would allow the telecommunications industry to act without regard to valid concerns of citizens and organizations such as ours. However, the communities we represent would suffer the economic and environmental consequences.

Therefore we urge you to:

1) Extend the February 17th deadline for comments. State and local officials are only now being informed that such a major rule making decision is imminent and they need time to comment.

2) Reject the above petitions and reaffirm the rights of states and localities in determining the placement of towers.

Sincerely,  
Housatonic River Commission



Peter Coe, Commission Member

Copies: Senator Christopher J. Dodd  
Senator Joe Lieberman  
Representative Nancy L. Johnson  
Attorney General for the State of Connecticut Richard Blumenthal

RE RM - #8577 and Amendment to ET Docket 93-62